

## ARTICLE IX

### Section 20. **BOARD OF APPEALS: CREATION, APPOINTMENT AND ORGANIZATION.**

A. **Creation.** The Board of Appeals is hereby created. Said Board shall consist of five (5) members appointed by the Town Board which shall also designate a Chairman, all in accordance with Article 16 of Town Law.

B. **Powers and Duties.** The Board of Appeals shall:

1. Have the authority to employ experts and staff and to pay for their services and such other expenses as may be necessary and proper, within a budget authorized by the Town Board.

2. In accordance with Section 267-a of Town Law, adopt rules and regulations with respect to any subject matter over which it has jurisdiction under this Law or Section 267 of Town Law.

C. **Interpretation.** Upon appeal in writing from a written Decision of the Zoning Officer, the Board of Appeals may decide on any question involving interpretation of any provision of this Law, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

D. **Special Use Permits and Variances.** After a public hearing and completion of any environmental determinations required by 6 NYCRR Part 617 (SEQR), the Board of Appeals shall:

1. Determine when a Special Use Permit is to be granted for those uses requiring a Special Permit as specified in **Schedule I**, and in accordance with Section 15D of this Ordinance.

2. Determine when a Use Variance is to be approved in accordance with Section 267-b.2 of Town Law for those uses not permitted in the district, as specified in **Schedule I** of this Ordinance as this Schedule may be amended from time to time.

3. Determine when an Area Variance is to be approved in accordance with Section 267-b.3 of Town Law for those situations where area or dimensional regulations specified in **Schedule II**, or elsewhere in this Ordinance, cannot be met.

E. **Imposition of Conditions.** In approving any use variances or area variances the Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as deemed necessary for the purpose on minimizing any adverse impacts such variance may have on the neighborhood or community.

F. **Void Permits.** Any permit or variance granted by the Board of Appeals shall become null and void unless exercised within one (1) calendar year from the date it is granted, unless an extension thereof shall be obtained from the Board of Appeals.

G. **Procedure.** The Board of Appeals shall act in accordance with the procedure specified in Section 267-a of Town Law.

Section 21. (Reserved)